

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

APRIL T. BRADFORD,)	
)	
Plaintiff,)	Case No. 1:20-cv-00227
)	
v.)	
)	
ZIMMER BIOMET, INC.,)	Removed from Allen Superior Court
)	Cause No. 02D02-2005-CT-000259
Defendant.)	

NOTICE OF REMOVAL

Defendant, Zimmer Biomet, Inc. (“Defendant”), by counsel, hereby removes this action from the Allen County Superior Court in the State of Indiana to the United States District Court, Northern District of Indiana, Fort Wayne Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of this Notice, Defendant states:

1. Plaintiff, April T. Bradford (“Plaintiff”), initiated this action on or about May 11, 2020, by filing a Complaint in the Superior Court of Allen County, Indiana, against Defendant (Cause No. 02D02-2005-CT-000259) (hereafter “State Court Action”).

2. Plaintiff served Defendant with a copy of the Summons and Complaint by United States Certified Mail on May 22, 2020. True and correct copies of the Summons and Complaint filed in the State Court Action are attached as **Exhibit A**. All other documents served on Defendant or filed in the State Court Action by Defendant, as well as a copy of the Chronological Case Summary, are attached as **Exhibit B**. Defendant has not yet served a responsive pleading or made any argument to the Complaint in the State Court Action.

3. Defendant filed this Notice of Removal within 30 days of receiving the initial pleadings and within one year of the commencement of this action pursuant to 28 U.S.C. §

1446(b)-(c). Because the Superior Court of Allen County, Indiana, lies in the Northern District of Indiana, this Court is the appropriate venue for removal. *See* 28 U.S.C. §§ 94(a)(2) and 1441.

4. Plaintiff's Complaint alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and 42 U.S.C. § 1981.

5. Because the Complaint brings claims arising under federal law, this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331.

6. Upon filing of this Notice, Defendant has paid the required filing fee of \$400.00.

7. By removing this action, Defendant does not waive any defenses available to it, nor does it admit any of the allegations in Plaintiff's Complaint.

8. There are no other parties to this litigation, thus consent of other parties is not required.

9. After filing this Notice of Removal, Defendant will promptly serve written notice on Plaintiff's counsel and file the same with the Clerk of the Allen County Superior Court, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, consistent with this Notice, Defendant removes the above-described action now pending in the Superior Court of Allen County, Indiana, to the United States District Court, Northern District of Indiana, Fort Wayne Division. Defendant preserves all other bases for removal of this action to this Court.

Dated: June 15, 2020

Respectfully submitted,

s/ Dorothy D. McDermott
Dorothy D. McDermott
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2020, a copy of the foregoing has been served by depositing a copy of the same in the United States mail, first class postage prepaid, to the following counsel of record for Plaintiff:

Christopher C. Myers
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Fort Wayne, IN 46802
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s/ Dorothy D. McDermott
Dorothy D. McDermott